



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Thirty-sixth Meeting Day

Thursday Morning

March 27, 2003

The House convened at 10:00 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Thomas Jameson, First Presbyterian Church, Frankfort, the guest of Representative James R. Buck.

The Pledge of Allegiance to the Flag was led by Representative Buck.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson ☐
Ayres	Lehe
Bardon ☐	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror ☐	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran ☐	Pierce
Crawford ☐	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson ☐	Ripley ☐
Dobis	Robertson ☐
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell ☐	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein ☐	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey ☐	D. Young ☐
Klinker	Yount ☐
Koch	Mr. Speaker

Roll Call 413: 87 present; 13 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 31, 2003, at 1:30 p.m.

HASLER

Motion prevailed.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1055, 1708, and 1724 on March 26.

RESOLUTIONS ON FIRST READING

House Resolution 40

Representatives Scholer and Klinker introduced House Resolution 40:

A HOUSE RESOLUTION to honor Professor Leah Jamieson for being named 2002 Indiana Professor of the Year.

Whereas, Professor Leah Jamieson, the Ransburg Professor of Electrical and Computer Engineering has been named 2002 Indiana Professor of the Year;

Whereas, Professor Jamieson was selected from among fifteen nominees from eleven schools in Indiana;

Whereas, Professor Jamieson is the seventh Purdue professor since 1987 to earn the award which criteria stipulate "extraordinary dedication to undergraduate teaching" as well as commitment to students and innovative teaching methods;

Whereas, Professor Jamieson was one of the first recipients of the National Science Foundation Director's Distinguished Teaching Scholars Award in 2001;

Whereas, Professor Jamieson is a world-class researcher, a respected and award winning teacher in her work with Engineering Projects in Community Service (EPICS);

Whereas, Professor Jamieson is also co-founder of the successful Engineering Projects in Community Service (EPICS) program, which takes undergraduates from various majors and involves them in engineering and technology-based problems for community service and education organizations: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly commends Professor Leah Jamieson for being chosen as the 2002 Indiana Professor of the Year.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Professor Leah Jamieson.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 74, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 24, delete "rightmost" and insert "right most".

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"Sec. 8. A person may not do any of the following:

(1) Send unsolicited commercial electronic mail and fail to use "ADV:" as the initial four (4) characters in the subject line of the electronic mail. This subdivision does not apply if any of the following apply:

(A) The sender of the electronic mail has a current business relationship with the recipient of the electronic mail.

(B) The sender of the electronic mail is an organization using the electronic mail to communicate with its members.

(C) The sender of the electronic mail is an organization using the electronic mail to communicate exclusively with the organization's employees or contractors, or both.

(2) Send unsolicited commercial electronic mail and fail to use "ADV:ADLT" as the first eight (8) characters in the subject line of the electronic mail. This subdivision applies only to unsolicited commercial electronic mail containing a solicitation for:

(A) the sale or lease of services or tangible or intangible personal or real property; or

(B) an extension of credit;

that may be viewed, purchased, leased, or possessed only by an individual who is at least eighteen (18) years of age.

(3) Send unsolicited commercial electronic mail and fail to provide a means for the recipient easily and at no cost to the recipient to remove the recipient's name from the sender's electronic mail address lists.

(4) Send unsolicited commercial electronic mail to a recipient who has asked the sender to remove the recipient's electronic mail address from the sender's electronic mail address lists.

(5) Provide to a third person the electronic mail address of a recipient who has asked the sender to remove the recipient's electronic mail address from the sender's electronic mail address lists. This subdivision applies to a third person who is a part of the sender's business organization. This subdivision does not prohibit providing a recipient's electronic mail address to a third person for the sole purpose of inclusion of the electronic mail address on a do-not-mail list."

Page 3, line 4, delete "8" and insert "9".

Page 3, delete lines 12 through 30, begin a new paragraph and insert:

"Sec. 10. (a) The following have a right of action against a person who initiates or assists the transmission of a commercial electronic mail message that violates this chapter:

(1) A person who receives the commercial electronic mail message.

(2) An interactive computer service that handles or retransmits the commercial electronic mail message.

(b) This chapter does not provide a right of action against:

(1) an interactive computer service;

(2) a telephone company; or

(3) a CMRS provider (as defined by IC 36-8-16.5-6);

whose equipment is used to transport, handle, or retransmit a commercial electronic mail message that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violations of this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:

(1) An injunction to enjoin future violations of this chapter.

(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to

presumptive damages of five hundred dollars (\$500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:

(A) to the plaintiff; or

(B) through the plaintiff's interactive computer service.

(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:

(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and

(2) knows or should know that the commercial electronic mail message will be received in Indiana;

submits to the jurisdiction of Indiana courts for purposes of this chapter."

Page 3, line 33, delete "IC 24-5-22-8" and insert "IC 24-5-22-9".

(Reference is to SB 74 as reprinted February 18, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

HASLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 6, after "Indiana" insert "**or recipient of the state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1**".

(Reference is to SB 117 as reprinted January 31, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 120, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "more" and insert "**two (2)**".

Page 2, line 3, reset in roman "six (6)".

Page 2, line 3, delete "eight".

Page 2, line 4, delete "(8)".

Page 2, between lines 21 and 22, begin a new paragraph and insert:

"(c) A violation of subsection (b) is a hazardous occupation violation subject to section 31(a)(6) of this chapter."

(Reference is to SB 120 as printed January 28, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 141, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Engrossed Senate Bill 205, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended

as follows:

Page 2, line 40, delete "commission," and insert "**commission**".
 Page 2, delete lines 41 through 42.
 Page 4, line 42, delete "have the force and effect of statutory".
 Page 5, line 1, delete "law and".
 Page 10, delete lines 33 through 36.
 Page 10, line 37, delete "(d)" and insert "(c)".
 Page 11, line 4, delete "(e)" and insert "(d)".
 Page 11, line 28, delete "(f)" and insert "(e)".
 Page 16, delete lines 5 through 8.
 Page 16, line 9, delete "Sec. 2." and insert "(a)".
 Page 16, line 17, delete "If any provision of this compact exceeds".
 Page 16, delete lines 18 through 25, begin a new paragraph and insert:

"(b) Any provision of this compact that violates the Constitution of the State of Indiana is ineffective in Indiana."

Page 16, line 26, delete "Sec. 3." and insert "**Sec. 2.**".
 Page 18, line 26, delete "Sec. 4." and insert "**Sec. 3.**".
 Page 18, line 33, delete "Sec. 5." and insert "**Sec. 4.**".
 (Reference is to SB 205 as reprinted February 12, 2003.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 11, nays 0.

KROMKOWSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 220, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Engrossed Senate Bill 232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 251, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

HASLER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 343, has had the same under consideration and begs leave to report the same back to the House

with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Appointments and Claims, to which was referred Engrossed Senate Bill 355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

HARRIS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Engrossed Senate Bill 433, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "of" insert "**administering and enforcing the provisions of this article, including**".

Page 1, line 11, delete "fraud under this article." and insert "**fraud.**".

Page 2, line 2, strike "described in subsection (a)" and insert "**established under IC 25-1-8-2 to implement section 8 of this chapter**".

Page 2, line 22, after "for" insert "**administering and enforcing the provisions of this article, including**".

Page 2, line 23, after "fraud" delete "." and insert "**and real estate appraisal fraud.**".

Page 2, line 40, after "agency" insert "**to administer and enforce the provisions of this article and**".

Page 3, line 8, after "employees" insert "**to administer and enforce the provisions of this article and**".

(Reference is to SB 433 as printed February 28, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Engrossed Senate Bill 451, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, after "The" insert "**following**".

Page 1, line 5, delete "in this section".

Page 1, line 6, delete "." and insert ":".

Page 2, line 30, after "owner" insert ".".

Page 2, line 30, delete "as defined in clause (A).".

Page 4, line 3, after "under" delete "under".

(Reference is to SB 451 as reprinted February 19, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Engrossed Senate Bill 454, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 30, strike "and".

Page 3, line 37, delete "." and insert "; and".

Page 3, line 38, delete "(e) Any", begin a new line block indented

and insert:

"(13) any".

Page 4, line 4, reset in roman "(e)".

Page 4, line 4, delete "(f)".

Page 4, line 8, reset in roman "(f)".

Page 4, line 8, delete "(g)".

Page 4, line 11, strike "chapter," and insert "article,".

Page 4, line 14, reset in roman "(g)".

Page 4, line 14, delete "(h)".

Page 4, line 23, strike "chapter" and insert "article".

Page 5, line 16, strike "chapter," and insert "article,".

Page 5, line 39, strike "chapter" and insert "article".

Page 5, line 40, strike "chapter" and insert "article".

Page 5, line 42, strike "chapter." and insert "article.".

Page 6, line 3, strike "chapter" and insert "article".

Page 6, line 7, strike "chapter," and insert "article,".

Page 6, line 15, strike "chapter" and insert "article".

Page 6, line 16, after "of this" strike "chapter" and insert "article".

Page 6, line 16, after "in this" strike "chapter" and insert "article".

Page 6, line 19, after "thereof." insert "Except as specifically authorized by the general assembly, the commission may not pledge, in any form, to:

(1) seek funding from the state in the event of any default in the payment of revenue bonds; or

(2) specify, in any form, in an agreement related to revenue bonds that money appropriated by the general assembly may or shall be deposited in a debt service fund or reserve fund for the revenue bonds;

if the revenue bonds or agreement relate to a project that is not part of a project related to property that qualifies as a port under section 2(b)(1) of this chapter."

Page 8, line 12, after "or" strike "port".

Page 9, line 8, strike "However, the employment of an".

Page 9, strike lines 9 through 10.

Page 9, line 20, strike "chapter."

Page 9, line 20, after "and" insert "article,".

Page 9, line 23, after "commission." insert "However, this subdivision does not authorize the commission to include any language in a revenue bond that would create a moral obligation on the part of the state to pay any part of the obligation related to a project that is not part of a project related to property that qualifies as a port under section 2(b)(1) of this chapter in the event of a default by the commission."

Page 10, line 7, strike "chapter," and insert "article,".

Page 12, line 2, strike "chapter."

Page 12, line 2, after "That" insert "article,".

Page 12, line 23, after "bonds" insert "under IC 8-10-4,".

Page 14, line 22, delete "." and insert "under this chapter or IC 8-10-4,".

Page 15, line 5, strike "chapter" and insert "article".

Page 15, line 17, delete "chapter" and insert "article".

Page 15, line 19, delete "chapter." and insert "article,".

Page 16, line 2, delete "chapter" and insert "article".

Page 16, line 3, strike "chapter" and insert "article".

Page 16, line 13, delete "," and insert "or IC 8-10-4-2,".

Page 16, line 22, strike "chapter" and insert "article".

Page 16, line 29, delete "." and insert ", except as provided in IC 8-10-4."

Page 16, line 38, delete "." and insert ", except for self liquidating projects under IC 8-10-4."

Page 20, line 2, strike "chapter" and insert "article".

Page 20, line 18, strike "chapter" and insert "article".

Page 20, line 26, strike "chapter" and insert "article".

Page 21, line 1, delete "chapter" and insert "article".

Page 22, between lines 27 and 28, begin a new line block indented and insert:

"(c) IC 4-13.6, IC 5-16 (other than IC 5-16-7), IC 8-10-1-7(12), IC 8-10-1-29, and IC 36-1-12 do not apply to projects to be leased to a private party whose payments are expected to be sufficient to pay all debt service on bonds issued by the commission to finance the project.

However, the commission and the private party must comply with IC 5-16-7."

Page 23, after line 8, begin a new paragraph and insert:

"SECTION 30. IC 8-10-4-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. The following provisions apply to this chapter:

(1) IC 8-10-1-4.

(2) IC 8-10-1-10.

(3) IC 8-10-1-13.

(4) IC 8-10-1-14.

(5) IC 8-10-1-15.

(6) IC 8-10-1-16.

(7) IC 8-10-1-19.

(8) IC 8-10-1-25.

(9) IC 8-10-1-27.

(10) IC 8-10-1-30.

SECTION 31. IC 8-16-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) This section applies only to a bridge that:

(1) was constructed under this chapter or was acquired under this chapter and IC 8-16-15; and

(2) crosses the Wabash River.

(b) Notwithstanding any other provisions of this chapter, a bridge subject to this section does not become a part of the system of state highways free of tolls or a tollway under IC 8-15-3 when bonds are retired and all funds fully reimbursed.

(c) Money collected for the use of a bridge subject to this section shall be allocated to the authority and used for the following purposes:

(1) Operation of the a toll bridge facility described in subsection (a).

(2) Maintenance of the a toll bridge facility described in subsection (a).

(3) A reserve fund for future toll bridges over the Ohio River to be located within the same county in which the bridge subject to this section is located.

(3) The acquisition of a bridge described in IC 8-16-15.

SECTION 32. IC 8-16-15-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 0.5. Notwithstanding sections 1 and 2 of this chapter, the Indiana transportation finance authority is not required to purchase the bridge described in section 1 of this chapter unless the Indiana transportation finance authority determines that at least three million one hundred thousand dollars (\$3,100,000) of federal funding has been made available for the following purposes:

(1) Immediate repairs necessary to keep the bridge in operation.

(2) Short term repairs necessary to extend the bridge's useful life for five (5) to ten (10) years.

(3) Annual operating expenses for the remainder of the bridge's useful life.

SECTION 33. IC 8-16-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. Subject to the provisions of this chapter and IC 8-16-1, the department is hereby authorized and empowered to Indiana transportation finance authority shall enter into negotiations with the proper authority having control of the state highways of the state of Illinois, and with the owners of the bridge which that spans the Wabash River and over which State Highway No. 66 passes from this state Indiana into the state of Illinois, for the purpose of acquiring the ownership of and title to such the bridge jointly, by the state of Illinois and in the name of the state of Indiana.

SECTION 34. IC 8-16-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. If the proper authorities of the state of Illinois are empowered by the laws of the state of Illinois to enter into such negotiations, and if the department and the authority having charge of the state highways of the state of Illinois can agree with the owners of such bridge on the purchase-price of such bridge, then and in that event the department is hereby authorized and empowered to acquire the ownership of and

the title to such bridge, jointly, with the state of Illinois; to pay not to exceed fifty percent (50%) of (a) **The Indiana transportation finance authority shall pay** the purchase price agreed upon **under section 1 of this chapter** out of any funds ~~appropriated to the department which might otherwise be used for the construction of bridges; and to available to the authority.~~

(b) **The Indiana transportation finance authority may** enter into such agreements with the proper authorities of the state of Illinois as may be fair and equitable for the repair, maintenance, and upkeep of ~~such the bridge and to expend such amounts of the money as may be necessary to maintain such the bridge.~~

(c) **After acquiring the bridge described in section 1 of this chapter, the Indiana transportation finance authority shall operate and maintain the bridge under IC 8-16-1."**

Renumber all SECTIONS consecutively.

(Reference is to SB 454 as printed February 19, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

KROMKOWSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred Engrossed Senate Bill 455, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 10. IC 10-13-2-12, AS ADDED BY SEA 257-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) It is the intent of the general assembly in enacting this chapter to provide information and data with reference to the total criminal justice system that will be equally beneficial to all officers, agencies, and components of the criminal justice system to better perform their respective duties for the overall improvement of criminal justice. Rules adopted under this chapter shall be drafted to express this intent.

(b) If a public official:

- (1) is required by the rules to report to the division; and
- (2) fails to comply with:
 - (A) the requests of the superintendent for information or data; or
 - (B) the rules governing records and systems and equipment and their maintenance;

the director of the criminal justice planning agency may deny the public official the benefits of the system until the public official complies with the rules.

(c) An official who knowingly, **intentionally, or recklessly** makes a false return of information to the division commits a Class A misdemeanor.

SECTION 11. IC 10-14-3-16, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) The director of a local organization for emergency management may develop or cause to be developed mutual aid arrangements with other public and private agencies within Indiana for reciprocal emergency management aid and assistance in case of disaster too great to be dealt with unassisted. An arrangement must be consistent with the state emergency management program and state emergency operations plan. During an emergency, a local organization for emergency management and the agency shall render assistance in accordance with the provisions of the mutual aid arrangement.

(b) The director of a local organization for emergency management and disaster:

- (1) may assist in the negotiation of reciprocal mutual aid agreements between the governor and the adjoining state or the state's political subdivisions; and
- (2) shall carry out arrangements or any agreement relating to the local and political subdivision.

(c) This subsection applies when the governor finds that two (2)

or more adjoining counties would be better served by an interjurisdictional arrangement than by maintaining separate disaster agencies and services. The governor may, with the concurrence of the affected counties, delineate by executive order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to disaster in that area, and direct steps to be taken as necessary, including the creation of an interjurisdictional relationship, a joint emergency operations plan, mutual aid, or an area organization for emergency management planning and services. A finding of the governor under this subsection must be based on one (1) or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, preparedness, response, and recovery system on a unijurisdictional basis, including the following factors:

- (1) Small or sparse population.
- (2) Limitations on public financial resources severe enough to make maintenance of a separate disaster agency and services unreasonably burdensome.
- (3) Unusual vulnerability to disaster as evidenced by a history of disaster, topographical features, drainage characteristics, disaster potential, and presence of disaster prone facilities or operations.
- (4) The interrelated character of the counties in a multicounty area.
- (5) Other relevant conditions or circumstances.

(d) If the governor finds that:

- (1) a vulnerable area lies partly in Indiana and includes territory in another state or states; and
- (2) it would be desirable to establish an interstate relationship, mutual aid, or an area organization for disaster;

the governor shall take steps to establish an interstate relationship. If action under this subsection is taken with jurisdictions that have enacted the ~~interstate~~ emergency management ~~and disaster assistance~~ compact, any resulting agreement or agreements may be considered supplemental agreements under article 6 7 of the compact.

(e) If the other jurisdiction or jurisdictions with which the governor proposes to cooperate under subsection (d) have not enacted the ~~interstate~~ emergency management ~~and disaster assistance~~ compact, the governor may negotiate special agreements with the jurisdiction or jurisdictions. An agreement, if sufficient authority for making the agreement does not otherwise exist, becomes effective only:

- (1) after the agreement's text has been communicated to the general assembly; and
- (2) if a house of the general assembly does not disapprove of the agreement by the later of:
 - (A) the date of adjournment of the next ensuing session that is competent to consider the agreement; or
 - (B) not more than thirty (30) days after the date of the submission of the agreement.

SECTION 12. IC 10-14-3-17, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) A political subdivision is:

- (1) within the jurisdiction of; and
- (2) served by;

a department of emergency management or by an interjurisdictional agency responsible for disaster preparedness and coordination of response.

(b) A county shall:

- (1) maintain a county emergency management advisory council and a county emergency management organization; or
- (2) participate in an interjurisdictional disaster agency that, except as otherwise provided under this chapter, may have jurisdiction over and serve the entire county.

(c) The county emergency management advisory council consists of the following individuals or their designees:

- (1) The president of the county executive **or, if the county executive does not have a president, a member of the county executive appointed from the membership of the county executive.**
- (2) The president of the county fiscal body.
- (3) The mayor of each city located in the county.

- (4) An individual representing the legislative bodies of all towns located in the county.
- (5) Representatives of private and public agencies or organizations that can assist emergency management considered appropriate by the county emergency management advisory council.
- (6) One (1) commander of a local civil air patrol unit in the county or the commander's designee.
- (d) The county emergency management advisory council shall do the following:
- (1) Exercise general supervision and control over the emergency management and disaster program of the county.
 - (2) Select or cause to be selected, with the approval of the county executive, a county emergency management and disaster director who:
 - (A) has direct responsibility for the organization, administration, and operation of the emergency management program in the county; and
 - (B) is responsible to the chairman of the county emergency management advisory council.
- (e) Notwithstanding any provision of this chapter or other law to the contrary, the governor may require a political subdivision to establish and maintain a disaster agency jointly with one (1) or more contiguous political subdivisions with the concurrence of the affected political divisions if the governor finds that the establishment and maintenance of an agency or participation in one (1) is necessary by circumstances or conditions that make it unusually difficult to provide:
- (1) disaster prevention;
 - (2) preparedness;
 - (3) response; or
 - (4) recovery services;
- under this chapter.
- (f) A political subdivision that does not have a disaster agency and has not made arrangements to secure or participate in the services of an agency shall have an emergency management director designated to facilitate the cooperation and protection of that political subdivision in the work of:
- (1) disaster prevention;
 - (2) preparedness;
 - (3) response; and
 - (4) recovery.
- (g) The county emergency management and disaster director and personnel of the department may be provided with appropriate:
- (1) office space;
 - (2) furniture;
 - (3) vehicles;
 - (4) communications;
 - (5) equipment;
 - (6) supplies;
 - (7) stationery; and
 - (8) printing;
- in the same manner as provided for personnel of other county agencies.
- (h) Each local or interjurisdictional agency shall:
- (1) prepare; and
 - (2) keep current;
- a local or interjurisdictional disaster emergency plan for its area.
- (i) The local or interjurisdictional disaster agency shall prepare and distribute to all appropriate officials a clear and complete written statement of:
- (1) the emergency responsibilities of all local agencies and officials; and
 - (2) the disaster chain of command.
- (j) Each political subdivision may:
- (1) appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management and disaster purposes, provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster resulting from enemy attack, provide for a comprehensive insurance program for its emergency management volunteers, and direct and coordinate the

development of an emergency management program and emergency operations plan in accordance with the policies and plans set by the federal emergency management agency and the state emergency management agency;

(2) appoint, employ, remove, or provide, with or without compensation:

- (A) rescue teams;
- (B) auxiliary fire and police personnel; and
- (C) other emergency management and disaster workers;

(3) establish:

- (A) a primary; and
- (B) one (1) or more secondary;

control centers to serve as command posts during an emergency;

(4) subject to the order of the governor or the chief executive of the political subdivision, assign and make available for duty the employees, property, or equipment of the political subdivision relating to:

- (A) firefighting;
- (B) engineering;
- (C) rescue;
- (D) health, medical, and related services;
- (E) police;
- (F) transportation;
- (G) construction; and
- (H) similar items or services;

for emergency management and disaster purposes within or outside the physical limits of the political subdivision; and

(5) in the event of a national security emergency or disaster emergency as provided in section 12 of this chapter, waive procedures and formalities otherwise required by law pertaining to:

- (A) the performance of public work;
- (B) the entering into of contracts;
- (C) the incurring of obligations;
- (D) the employment of permanent and temporary workers;
- (E) the use of volunteer workers;
- (F) the rental of equipment;
- (G) the purchase and distribution of supplies, materials, and facilities; and
- (H) the appropriation and expenditure of public funds.

SECTION 13. IC 10-14-3-34, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 34. A person who **knowingly, intentionally, or recklessly** violates this chapter commits a Class B misdemeanor.

SECTION 14. IC 10-14-4-12, AS ADDED BY SEA 257-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. A person who **knowingly, intentionally, or recklessly** violates this chapter commits a Class B misdemeanor.

SECTION 15. IC 10-15-2-3, AS ADDED BY SEA 257-2003, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A quorum consists of eight (8) of the voting members of the foundation described in section 2(b)(2) through 2(b)(6) of this chapter.

(b) One (1) of the following is necessary for the foundation to take action:

- (1) An affirmative vote by at least ~~a majority of the quorum~~ **eight (8) of the fifteen (15) members**.
- (2) A tie vote broken by the executive director.

SECTION 16. IC 10-16-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. **"Armory" means real property and facilities located on the real property that are used by the military or naval forces of the state for drill, meeting, training, and rendezvous purposes.**

SECTION 17. IC 10-16-6-1, AS ADDED BY SEA 257-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. Under Article 12, Section 1 of the Constitution of the State of Indiana, the militia consists of all ~~able-bodied males~~ **persons** who are

(1) at least eighteen (18) years of age and

(2) ~~less than forty-six (46) years of age;~~

except those persons who are exempted by the laws of the United States or of Indiana.

SECTION 18. IC 10-16-7-8, AS ADDED BY SEA 257-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) On days of military duty, the Indiana national guard, called out by proper authority and performing military duty, is considered to be under military discipline. An officer or enlisted person is not subject to arrest on any civil process during this time.

(b) For purposes of this section:

(1) **an attachment for contempt for failure to obey the command of a subpoena to testify is a civil process; and**

(2) **a citation for a traffic violation is not a civil process.**

SECTION 19. IC 10-16-9-3, AS ADDED BY SEA 257-2003, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Fines may be collected in the following manner:

(1) By the retention of any pay or allowances due or to become due from the state. ~~or the United States.~~

(2) By commitment to a jail designated by the reviewing authority until the fine is paid or until one (1) day is served for each one dollar (\$1) of the fine imposed.

(3) By payment to the county treasurer. The county treasurer shall immediately transmit the payment to the treasurer of state. The treasurer of state shall quarterly pay the sums to the armory board, and the sums are appropriated continuously for the purposes of IC 10-16-3-11. It is sufficient to record upon the payroll opposite the name of the person fined a notation of the sentence of the court-martial and the date of approval of the sentence, together with the name and rank of the reviewing authority.

(b) A sentence of imprisonment imposed by a court-martial during active service or at camps of instruction shall be carried out by confinement in a guardhouse, tent, or other places designated by the reviewing authority. A sentence of imprisonment imposed by court-martial upon persons not in active service or at camps of instruction shall be carried out by confinement in a jail to be designated by the reviewing authority."

Page 8, line 19, delete "IC 10-4-2;".

Page 8, line 19, after "IC 10-4-3;" insert "IC 10-14-7;".

Renumber all SECTIONS consecutively.

(Reference is to SB 455 as reprinted February 4, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

KROMKOWSKI, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 461, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 493, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, after "Sec. 2." insert "(a)".

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"(b) The secretary and the director of the state budget agency are responsible for ensuring that the cost of the services provided under this chapter does not exceed the total amount of funding, including state and federal funds, that is made available by the budget agency for the program established under this chapter to

provide long term care, including home and community based services."

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"(b) The secretary shall annually report to the governor, the budget agency, the budget committee, the select commission on Medicaid oversight, and the executive director of the legislative services agency the savings determined under subsection (a)."

Page 3, line 17, delete "(b)" and insert "(c)".

Page 4, line 9, delete "state".

Page 4, line 10, delete "program." and insert **"program that is appropriated by the general assembly."**

Page 4, line 11, delete "sixty (60)" and insert **"sixty-five (65)".**

Page 5, line 32, delete "December 31," and insert **"July 1,"**

Page 6, line 4, delete "slots." and insert **"slots at no additional cost to the state."**

Page 6, line 19, delete "December 31," and insert **"July 1,"**

Page 7, between lines 16 and 17, begin a new paragraph and insert:

"(h) This SECTION expires July 1, 2005."

Page 7, line 28, after "[EFFECTIVE JULY 1, 2003]" insert **"(a)".**

Page 7, between lines 33 and 34, begin a new paragraph and insert:

"(b) This SECTION expires July 1, 2005."

Page 7, line 39, after "based group" insert **","**.

Page 8, between lines 40 and 41, begin a new paragraph and insert:

"(b) This SECTION expires July 1, 2005."

(Reference is to SB 493 as reprinted February 26, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce and Economic Development, to which was referred Engrossed Senate Bill 504, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "24-3-5" and insert **"24-3-5.2"**.

Page 1, line 4, delete "5." and insert **"5.2"**.

Page 7, line 14, delete "24-3-5," and insert **"24-3-5.2,"**

Page 7, line 16, delete "24-3-5," and insert **"24-3-5.2,"**

Page 7, line 17, delete "24-3-5." and insert **"24-3-5.2."**

(Reference is to SB 504 as printed February 21, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Engrossed Senate Bill 523, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 1.

LIGGETT, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 203

Representative Welch called down Engrossed Senate Bill 203 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 257

Representative Frenz called down Engrossed Senate Bill 257 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 354

Representative Fry called down Engrossed Senate Bill 354 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 420

Representative Murphy called down Engrossed Senate Bill 420 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 420-1)

Mr. Speaker: I move that Engrossed Senate Bill 420 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-94.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 94.5. "Low numbered motor vehicle registration plate", for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.**

SECTION 2. IC 9-13-2-144.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 144.5. "Pull service charge", for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19.**

SECTION 3. IC 9-13-2-170.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: **Sec. 170.5. "Special numbered motor vehicle registration plate", for purposes of IC 9-29-3-19, has the meaning set forth in IC 9-29-3-19."**

Page 4, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 11. IC 9-29-3-19, AS AMENDED BY P.L.182-2002, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003 (RETROACTIVE)]: Sec. 19. (a) **As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.**

(b) **As used in this section, "pull service charge" refers to the charge that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.**

(c) **As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.**

(d) Subject to subsections ~~(b)~~ (e) and ~~(c)~~ (f) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

(1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.

(2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.

(3) Increase or decrease a service charge imposed under subdivision (2).

~~(b)~~ (e) The bureau's authority to adopt rules under subsection ~~(a)~~ (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

~~(c)~~ (f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing the numbers set forth in IC 9-18-2-28 for a vehicle issued a license plate under IC 9-18-17 that designates the vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war.

(g) **The bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition."**

Page 6, after line 26, begin a new paragraph and insert:

"SECTION 20. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 420 as printed March 21, 2003.)

BOTTORFF

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 363

Representative Mays called down Engrossed Senate Bill 363 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 27

Representative Ayres called down Engrossed Senate Bill 27 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 414: yeas 82, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Kersey, who had been excused, was present

Engrossed Senate Bill 365

Representative Grubb called down Engrossed Senate Bill 365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 415: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Crawford, who had been excused, was present.

Engrossed Senate Bill 465

Representative Welch called down Engrossed Senate Bill 465 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 465-4)

Mr. Speaker: I move that Engrossed Senate Bill 465 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 25, line 10, delete "subdivisions" and insert "**subdivision**". (Reference is to ESB 465 as printed March 26, 2003.)

WELCH

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 465, begs leave to report that said bill has been

amended as directed.

WELCH

Report adopted.

The question then was, Shall the bill pass?

Roll Call 416: yeas 80, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1154.

HASLER

Roll Call 417: yeas 89, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1176.

KUZMAN

Roll Call 418: yeas 83, nays 3. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1209.

HERRELL

Roll Call 419: yeas 85, nays 0. Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Engrossed Senate Bill 63, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-28-1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26.5. (a) This section applies to the following activities:

(1) The placement or replacement of a mobile home within a boundary river floodway.

(2) The repair of a residence that:

(A) is located in a boundary river floodway; and

(B) has been damaged by floodwaters or another means; except for the reconstruction of a residence to which section 25 of this chapter applies.

(3) The construction of an:

(A) addition to; or

(B) improvement of;

a residential structure within a boundary river floodway.

(4) The construction of a new residence within a boundary river floodway.

(b) The federal regulations that:

(1) were adopted by the director of the Federal Emergency Management Agency to implement the National Flood Insurance Act (42 U.S.C. 4001 et seq.);

(2) are published in 44 CFR Parts 59 through 60; and

(3) are in effect on January 1, 1997;

are adopted as the criteria for determining whether an activity referred to in subsection (a) is allowed in Indiana. **However, the lowest floor of a new residence constructed within a boundary river floodway referred to in subsection (a)(4) must be at least two (2) feet above the one hundred (100) year frequency flood elevation.**

(c) A person who wishes to perform an activity referred to in subsection (a) is authorized to perform the activity if:

(1) the federal regulations described in subsection (b) as the governing criteria allow the activity; and

(2) the person obtains a permit for the activity under this section.

(d) To obtain a permit for an activity referred to in subsection (a), a person must:

(1) file with the director a verified written application for a permit on a form provided by the department; and

(2) pay to the department a nonrefundable fee of ten dollars (\$10).

(e) An application filed under this section must:

(1) set forth the material facts concerning the proposed activity; and

(2) in the case of an activity described in subsection (a)(1), ~~or~~ (a)(3), **or (a)(4)**, include plans and specifications for the construction, reconstruction, or repair.

(f) If an application submitted under this section meets the requirements set forth in subsections (d) and (e), the director may not reject the application unless the regulations adopted as the governing criteria under subsection (b) do not allow the activity.

(g) If the federal regulations adopted as the governing criteria under subsection (b) authorize a type of activity only when certain conditions are met, a permit that the director issues for that type of activity may require the applicant, in carrying out the activity, to meet the same conditions.

(h) If:

(1) there is a dispute under this section about the elevation of a site; and

(2) the elevation of the site has been determined by a registered land surveyor;

the elevation determined by the registered land surveyor must be used as the accepted elevation."

Page 2, delete lines 5 through 6.

Page 2, line 7, delete "(8)" and insert "(7)".

Page 2, line 9, delete "(9)" and insert "(8)".

Page 2, line 10, delete "(10)" and insert "(9)".

Page 2, between lines 12 and 13, begin a new line block indented and insert:

"(10) The director of the law enforcement division of the department of natural resources or the director's designee."

Renumber all SECTIONS consecutively.

(Reference is to SB 114 as reprinted January 24, 2003.) and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BOTTORFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Engrossed Senate Bill 182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 186, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-5.5-6-1, AS ADDED BY P.L.100-2001, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a) Except as provided in subsection (b), individuals who work at a charter school are employees of the charter school or of an entity with which the charter school has contracted to provide services.**

(b) Teachers in a conversion charter school are employees of both the charter school and the school corporation that sponsored the charter school. For purposes of the collective bargaining agreement, conversion charter school teachers are considered employees of the school corporation that sponsored the charter school.

(c) All benefits accrued by teachers as employees of the conversion charter school are the financial responsibility of the conversion charter school. The conversion charter school is required to pay those benefits directly or to reimburse the school corporation for the cost of the benefits.

(d) All benefits accrued by a teacher during the time the teacher was an employee only of the school corporation that sponsored the charter school are the financial responsibility of the school corporation. The school corporation is required to pay those benefits directly or to reimburse the conversion charter school for the cost of the benefits.

(e) For any other purpose, a teacher in a conversion charter school is an employee of the charter school.

SECTION 2. IC 20-6.1-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. **(a) Void Contract) When Two Contracts Are Signed. A contract entered into after August 15 between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher which will be effective if the teacher:**

(1) he furnishes the governing body a release by the employers under the previous contract; or

(2) he shows proof that twenty-one (21) days written notice was delivered by the teacher to the first employer.

Each governing body may request from the teacher at the time of contracting a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

(b) This section does not apply to an individual who works at a conversion charter school for purposes of the individual's employment with the school corporation that sponsored the conversion charter school."

Page 2, delete lines 3 through 9, begin a new line block indented and insert:

"(1) the student's parent informs the school corporation in which the student seeks to enroll and also:

(A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or

(B) in the case of a student withdrawing from a conversion charter school to avoid expulsion, the:

(i) conversion charter school; and

(ii) the school corporation that sponsored the conversion charter school;

of the student's expulsion or separation or withdrawal to avoid expulsion or separation;

(2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and
(3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school)."

Page 2, line 16, after "corporation" insert **"or charter school"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 186 as printed February 7, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 187, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 17, after "scores" delete "." and insert **"and an explanation of the statistical significance of variance in ISTEP scores as provided by the department."**

Page 4, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 20-10.2-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 8. Commission for Superior Academic Achievement by All Students

Sec. 1. As used in this chapter, "commission" refers to the commission for superior academic achievement by all students established under section 2 of this chapter.

Sec. 2. (a) The commission for superior academic achievement by all students is established.

(b) Thirty-two (32) members of the commission shall be selected as follows:

(1) Sixteen (16) members appointed by the speaker of the house of representatives. Not more than four (4) of the members appointed under this subdivision who are members of the house of representatives may be members of the same political party. At least eight (8) of the members appointed under this subdivision must be citizens who are not members of the general assembly.

(2) Sixteen (16) members appointed by the president pro tempore of the senate. Not more than four (4) of the members appointed under this subdivision who are members of the senate may be members of the same political party. At least eight (8) of the members appointed under this subdivision must be citizens who are not members of the general assembly.

Citizen members of the commission appointed under this subsection must be selected to represent education and minority concerns.

(c) The following individuals shall serve as ex officio nonvoting members of the commission:

(1) The governor or the governor's designee.

(2) The lieutenant governor or the lieutenant governor's designee.

(3) The state superintendent of public instruction or the superintendent's designee.

(4) The executive officer of the commission for higher education or the executive officer's designee.

(d) The chairperson of the commission shall be appointed jointly by the:

(1) speaker and minority floor leader of the house of representatives; and

(2) president pro tempore and minority floor leader of the senate;
from the voting members of the commission.

(e) A vacancy in a voting member's position on the commission shall be filled by appointment of a replacement member for the unexpired term. The appointing authority who appointed the member causing a vacancy shall appoint a replacement for that member.

(f) The commission shall operate as a nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

Sec. 3. The commission shall operate under the policies governing study committees adopted by the legislative council. However, the legislative members and citizen members of the commission are not entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

Sec. 4. (a) Not later than December 1, 2003, the commission shall submit a written preliminary report of the commission's activities.

(b) Not later than December 1, 2004, the commission shall submit a written report of its recommendations concerning the following:

(1) The elimination of gaps in the achievement levels of student sociodemographic subgroups.

(2) Improvements beyond proficiency to advanced levels in the state's standards of academic achievement.

(c) The preliminary report and the report of recommendations shall be submitted to:

(1) the governor;

(2) the state superintendent of public instruction;

(3) the state board of education;

(4) the education roundtable established by IC 20-1-20.5-3; and

(5) the executive director of the legislative services agency.

Sec. 5. (a) For the period beginning July 1, 2003, and ending December 31, 2004, the commission may accept any available state funding and private donations to administer this chapter.

(b) The department of education shall staff the commission and perform the duties imposed by this chapter.

Sec. 6. This chapter expires December 31, 2004."

Renumber all SECTIONS consecutively.

(Reference is to SB 187 as printed January 17, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 0.

PORTER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

BOTTORFF, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 13, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and

Small Business, to which was referred Engrossed Senate Bill 263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 13, after "an" insert "annual".

(Reference is to SB 263 as printed February 18, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 318, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

MAHERN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 383, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, after line 6, begin a new paragraph and insert:

"SECTION 3. IC 27-1-12.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 12.7. Funding Agreements

Sec. 1. As used in this chapter, "funding agreement" means an agreement that:

(1) is issued by a life insurance company to a holder;

(2) authorizes the life insurance company to accept funds from the holder; and

(3) provides for an accumulation of the funds for the purpose of making one (1) or more payments to the holder at a future date in an amount not based on mortality or morbidity contingencies of the holder.

Sec. 2. As used in this chapter, "holder" means a person described in section 5 of this chapter that is issued a funding agreement by a life insurance company.

Sec. 3. As used in this chapter, "life insurance company" refers to a life insurance company that is authorized to issue a product described in Class 1(c) of IC 27-1-5-1.

Sec. 4. As used in this chapter, "optional modes of settlement" refers to the manner in which a funding agreement is structured to repay interest and principal to the holder.

Sec. 5. A life insurance company may issue or issue for delivery in Indiana a funding agreement to the following:

(1) A:

(A) person authorized by a state or foreign country to engage in an insurance business; or

(B) subsidiary of a person described in clause (A).

(2) A person not described in subdivision (1), to fund the following:

(A) Benefits under an employee benefit plan (as defined in 29 U.S.C. 1002) maintained in the United States or in a foreign country.

(B) Activities of an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code, or a similar organization in a foreign country.

(C) A program of:

(i) the United States government;

(ii) another state government;

(iii) a political subdivision of another state;

(iv) a foreign country; or

(v) an agency or instrumentality of a government, political subdivision, or foreign country described in

items (i) through (iv).

(D) An agreement providing for periodic payments in satisfaction of a claim.

(E) A program of an institution that has assets that exceed twenty-five million dollars (\$25,000,000).

(F) A program in which a business entity:

(i) purchases and holds funding agreements; and

(ii) issues securities by using the funding agreement to finance or collateralize the securities.

(G) A similar activity or program specifically authorized by the commissioner.

Sec. 6. The issuance of a funding agreement under this chapter:

(1) constitutes an activity necessary, convenient, or expedient to the business of a life insurance company in accordance with IC 27-1-7-2;

(2) is not a kind of insurance described in IC 27-1-5-1;

(3) is not a security (as defined in IC 23-2-1-1(k)); and

(4) does not constitute the receipt of gross premium for the purposes of IC 27-1-18-2.

Sec. 7. Amounts may not be guaranteed or credited under a funding agreement except:

(1) upon reasonable assumptions concerning investment income and expenses; and

(2) on a basis equitable to all holders of funding agreements of a given class.

Sec. 8. Amounts paid to a life insurance company, and proceeds applied to amounts paid under optional modes of settlement, under a funding agreement may be allocated by the life insurance company to one (1) or more segregated investment accounts in the manner described in Class 1(c) of IC 27-1-5-1.

Sec. 9. The commissioner may establish reasonable conditions or adopt rules under IC 4-22-2 regarding:

(1) reserves that must be maintained by a life insurance company for funding agreements;

(2) accounting and reporting of funds credited under funding agreements; and

(3) other matters related to funding agreements that the commissioner considers necessary, proper, and advisable.

Sec. 10. Notwithstanding any other law:

(1) the commissioner has the sole authority to regulate funding agreements;

(2) a funding agreement is not a covered policy under IC 27-8-8-1(a); and

(3) a claim for payments under a funding agreement must be treated as a loss claim under Class 2 of IC 27-9-3-40.

SECTION 4. An emergency is declared for this act."

(Reference is to SB 383 as reprinted March 4, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred Engrossed Senate Bill 462, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, line 28, reset in roman "one".

Page 12, line 28, delete "two".

Page 12, line 29, reset in roman "fifty".

Page 12, line 29, reset in roman "(150%)".

Page 12, line 29, delete "(200%)".

Page 14, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 5. IC 27-8-10-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.2. If, after the close of a fiscal year:

(1) the association determines that there is a net loss for the

fiscal year;

(2) the net loss for the fiscal year is assessed by the association to all members; and

(3) the financial capability of the association to meet the incurred or estimated claims expenses or operating expenses of the association becomes uncertain due to the failure or refusal of members of the association to meet their financial obligations as members of the association or due to any other reason;

this chapter is void and IC 27-8-10.1 becomes effective."

Page 14, line 33, after "(1)" insert "approve and".

Page 15, between lines 9 and 10, begin a new paragraph and insert:

"(b) A program approved and implemented under this section may not require prior authorization for a prescription drug prescribed for the treatment of:

(1) human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) and included on the AIDS drug assistance program formulary adopted by the state department of health under the federal Ryan White CARE Act (42 U.S.C. 300ff); or

(2) hemophilia according to recommendations of the:

(A) Advisory Committee on Blood Safety and Availability of the United States Department of Health and Human Services; or

(B) Medical and Scientific Advisory Council of the National Hemophilia Foundation."

Page 15, line 10, delete "(b)" and insert "(c)".

Page 15, delete lines 12 through 16, begin a new paragraph and insert:

"(d) A disease management program for which federal funding is available is considered to be approved by the association under this section.

(e) An insured who has a chronic disease for which at least one (1) chronic disease management program is approved under this section shall participate in an approved chronic disease management program for the chronic disease as a condition of coverage of treatment for the chronic disease under an association policy."

Page 15, line 19, after "approve" delete ":".

Page 15, line 20, delete "(1)".

Page 15, run in lines 19 through 20.

Page 15, line 21, delete "; or".

Page 15, delete lines 22 through 23.

Page 15, run in lines 21 and 24.

Page 15, line 25, delete "for treatment of a chronic disease." and insert ",".

Page 15, line 27, delete "for treatment of a chronic disease".

Page 15, line 27, after "covered" insert "if the prescription drug is obtained from".

Page 15, delete lines 28 through 35, begin a new line block indented and insert:

"(1) a pharmacy approved under subsection (a); or

(2) a pharmacy that:

(A) is not approved under subsection (a); and

(B) agrees to sell the prescription drug at the same price as a pharmacy approved under subsection (a).

(c) A prescription drug that is:

(1) covered under an association policy; and

(2) obtained from a pharmacy not described in subsection (b);

is covered for an amount equal to the price at which a pharmacy described in subsection (b) will sell the prescription drug, with the remainder of the charge for the prescription drug to be paid by the insured."

Page 16, line 25, after "(a)" insert "A person is not eligible for an association policy if the person is eligible for Medicaid. A person other than a federally eligible individual may not apply for an association policy unless the person has applied for Medicaid not more than sixty (60) days before applying for the association policy.

(b)".

Page 16, line 25, strike "subsections (b) and" and insert **"subsection"**.

Page 16, line 32, strike "(b)" and insert "(c)".

Page 16, line 32, delete "," and insert **"and subsection (a),"**.

Page 17, line 14, delete "(c)" and insert "(d)".

Page 17, line 15, after "On the" insert **"first"**.

Page 17, line 15, after "date" insert **"on which"**.

Page 17, line 16, after "date" insert **"on which"**.

Page 17, line 21, after "On the" insert **"first"**.

Page 17, line 21, after "date" insert **"on which"**.

Page 17, line 23, strike "(d)" and insert "(e)".

Page 17, line 39, strike "(e)" and insert "(f)".

Page 18, line 10, strike "(f)" and insert "(g)".

Page 18, line 10, strike "(g)," and insert "(h)".

Page 18, line 12, reset in roman "three (3)".

Page 18, line 12, delete "six (6)".

Page 18, line 15, reset in roman "three (3)".

Page 18, line 15, delete "six (6)".

Page 18, line 18, strike "(g)" and insert "(h)".

Page 18, line 21, strike "(b)," and insert "(c)".

Page 18, line 29, strike "(h)" and insert "(I)".

Page 18, line 36, delete "that" and insert **"on which"**.

Page 19, between lines 21 and 22, begin a new paragraph and insert:

SECTION 13. IC 27-8-10.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 10.1. Guaranteed Individual Health Benefit Plan Coverage

Sec. 1. This chapter becomes effective on the date that the Indiana comprehensive health insurance association established under IC 27-8-10-2.1 makes the determination described in IC 27-8-10-2.2 and IC 27-8-10 becomes void.

Sec. 2. As used in this chapter, "accident and sickness insurer" means an insurer that provides coverage for basic health care services under a policy of accident and sickness insurance.

Sec. 3. As used in this chapter, "actively market" means to offer a health benefit plan to an individual who does not currently receive benefits under the health benefit plan.

Sec. 4. As used in this chapter, "basic health benefit plan" means a health benefit plan that meets the following requirements:

- (1) After a deductible, provides coverage for at least eighty percent (80%) of the cost of medically necessary basic health care services.

- (2) Meets the requirements for an individual:

(A) policy of accident and sickness insurance specified in IC 27-8-5; or

(B) contract with a health maintenance organization specified in IC 27-13.

Sec. 5. As used in this chapter, "basic health care services" means the following services:

- (1) If health benefit plan coverage is provided under a contract with a health maintenance organization, preventive care.
- (2) Inpatient and outpatient hospital and physician care.
- (3) Diagnostic laboratory care.
- (4) Diagnostic and therapeutic radiological services.
- (5) Emergency care.

Sec. 6. As used in this chapter, "church plan" has the meaning set forth in the federal Employee Retirement Income Security Act of 1974 (26 U.S.C. 414(e)).

Sec. 7. As used in this chapter, "creditable coverage" has the meaning set forth in the federal Health Insurance Portability and Accountability Act of 1996 (26 U.S.C. 9801(c)(1)).

Sec. 8. As used in this chapter, "federally eligible individual" means an individual:

- (1) for whom, as of the date on which the individual seeks coverage under this chapter, the total period of creditable coverage is at least eighteen (18) months and whose most recent prior creditable coverage was under a:

(A) group health plan;

(B) governmental plan; or

(C) church plan;

or health insurance coverage in connection with any of those plans;

(2) who is not eligible for coverage under:

(A) a group health plan;

(B) Part A or Part B of Title XVIII of the federal Social Security Act; or

(C) a state plan under Title XIX of the federal Social Security Act (or any successor program);

and does not have other health insurance coverage;

(3) with respect to whom the individual's most recent coverage was not terminated for factors relating to nonpayment of premiums or fraud;

(4) who, if after being offered the option of continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) (29 U.S.C. 1191b(d)(1)), or under a similar state program, elected such coverage; and

(5) who, if after electing continuation coverage described in subdivision (4), has exhausted continuation coverage under the provision or program.

Sec. 9. As used in this chapter, "governmental plan" means a plan as defined under the federal Employee Retirement Income Security Act of 1974 (26 U.S.C. 414(d)) and any plan established or maintained for its employees by the United States government or by any agency or instrumentality of the United States government.

Sec. 10. As used in this chapter, "health benefit plan" means coverage of basic health care services under a:

(1) policy of accident and sickness insurance; or

(2) contract with a health maintenance organization.

Sec. 11. As used in this chapter, "health benefit plan provider" means:

(1) an accident and sickness insurer; or

(2) a health maintenance organization;

that provides coverage under a health benefit plan.

Sec. 12. As used in this chapter, "health maintenance organization" has the meaning set forth in IC 27-13-1-19.

Sec. 13. As used in this chapter, "individual contract" has the meaning set forth in IC 27-13-1-21.

Sec. 14. As used in this chapter, "individual health benefit plan" means a health benefit plan that is:

(1) issued on an individual basis; or

(2) entered into as an individual contract;

and may include coverage of dependents of the individual.

Sec. 15. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1(a).

Sec. 16. As used in this chapter, "qualified individual" means an individual who meets one (1) of the following criteria:

(1) At the effective date of coverage, the individual is not eligible for coverage:

(A) under a group health benefit plan that provides coverage for basic health care services;

(B) under Part A or Part B of Title XVIII of the federal Social Security Act;

(C) under a state plan under Title XIX of the federal Social Security Act (or any successor program); or

(D) available through an employer plan that provides coverage for basic health care services.

(2) The individual is a federally eligible individual.

For purposes of this section, an individual may be a qualified individual if the individual is eligible for Medicare coverage and is less than sixty-five (65) years of age.

Sec. 17. As used in this chapter, "standard health benefit plan" means a health benefit plan that meets the following requirements:

- (1) After a deductible, provides coverage for at least eighty percent (80%) of the cost of the following medically necessary services:

(A) Basic health care services.

- (B) Mental health services.
- (C) Services for alcohol and drug abuse.
- (D) Dental services.
- (E) Vision services.
- (F) Long term rehabilitation treatment.
- (2) Meets the requirements for an individual:
 - (A) policy of accident and sickness insurance specified in IC 27-8-5; or
 - (B) contract with a health maintenance organization specified in IC 27-13.

Sec. 18. (a) A health benefit plan provider that provides coverage in Indiana under at least one (1) individual health benefit plan shall actively offer to provide coverage to a qualified individual under all health benefit plans the health benefit plan provider actively markets to individuals in Indiana, including at least:

- (1) one (1) basic health benefit plan; and
- (2) one (1) standard health benefit plan.

(b) A health benefit plan provider shall provide coverage to a qualified individual under the health benefit plan for which the qualified individual applies.

Sec. 19. A health benefit plan provider may not impose a preexisting condition limitation or exclusion on individual health benefit plan coverage provided under section 18 of this chapter.

Sec. 20. (a) Premiums for individual basic health benefit plan coverage provided under section 18 of this chapter may not exceed one hundred fifty percent (150%) of the average premium charged by health benefit plan providers for basic health benefit plan coverage in Indiana during the previous calendar year, as determined by the department under section 21(a) of this chapter.

(b) Premiums for individual standard health benefit plan coverage provided under section 18 of this chapter may not exceed one hundred fifty percent (150%) of the average premium charged by health benefit plan providers for standard health benefit plan coverage in Indiana during the previous calendar year, as determined by the department under section 21(b) of this chapter.

Sec. 21. (a) The department shall calculate and make available to health benefit plan providers the average premium charged for basic health benefit plan coverage as reported to the department under IC 27-1-22 by the five (5) health benefit plan providers with the largest premium volume in Indiana during the previous calendar year.

(b) The department shall calculate and make available to health benefit plan providers the average premium charged for standard health benefit plan coverage as reported to the department under IC 27-1-22 by the five (5) health benefit plan providers with the largest premium volume in Indiana during the previous calendar year.

Sec. 22. Coverage for basic health care services provided under this chapter shall be provided in compliance with the federal Health Insurance Portability and Accountability Act of 1996 (P.L.104-191).

SECTION 14. [EFFECTIVE JULY 1, 2003] Upon the effective date of IC 27-8-10.1, as added by this act, the legislative services agency shall prepare legislation for introduction during the next succeeding regular session of the general assembly to organize and correct statutes affected by IC 27-8-10.1, as added by this act."

Page 19, line 23, delete "IC 27-8-10-4 and" and insert "IC 27-8-10-4,".

Page 19, line 24, delete "both" and insert "and IC 27-8-10-6, all".

Renumber all SECTIONS consecutively.
(Reference is to SB 462 as reprinted February 26, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 533, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 4, delete "one" and insert "**two**".

Page 3, line 4, after "hundred" insert "**fifty**".

Page 3, line 4, delete "(\$100)" and insert "**(\$250)**".

Page 3, line 25, delete "one" and insert "**two**".

Page 3, line 25, after "hundred" insert "**fifty**".

Page 3, line 26, delete "(\$100)" and insert "**(\$250)**".

(Reference is to SB 533 as printed February 19, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

BOTTORFF, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 117, 141, 205, 232, 251, 355, 433, 454, 461, and 523 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bischoff and Stutzman be added as cosponsors of Engrossed Senate Bill 173.

WELCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as cosponsor of Engrossed Senate Bill 320.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as cosponsor of Engrossed Senate Bill 433.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as cosponsor of Engrossed Senate Bill 477.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ulmer and Stutzman be added as cosponsors of Engrossed Senate Bill 503.

HASLER

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Budak, the House adjourned at 11:20 a.m., this twenty-seventh day of March, 2003, until Monday, March 31, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives